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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,372	11/23/2001	Katsuaki Yamanoi	041465-5128	3256

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2653

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/990,372	Applicant(s) YAMANOI ET AL.	
	Examiner Aristotelis M. Psitos	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/23/05 has been entered.

Claim Objections

Claims 23-24 are objected to, because as now claimed, the examiner cannot readily map the newly introduced functional limitation with the specification as originally filed. No rejection under 112 is introduced at this time, but applicants' response is earnestly required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 21-22 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morohashi further considered with either Hitotsui or Itoi ('313) and all further considered with Heo.

The following analysis is made:

Claim 1	Morohashi
An information recording apparatus	title/abstract
an information attaching and generating device, which	applicant's attention is drawn to the
attaches track number information to each track recorded	ability in the system so as to
in an information recording medium and generates group	have "group management data".
control information to control one or a plurality of	The purpose of such is as claimed.

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tracks as one group;

an inputting operation device for performing an inputting operation in accordance with a user's instruction; and

sees either the transfer ability of Morohashi or the secondary references as recited below

a detection device for giving a grouping instruction to said information attaching and generating device at the time when the inputting operation relating to track recording is detected during recording of information

The control elements in Morohashi the playback system of Morohashi in accordance with the detected condition.

wherein ...

Furthermore, with respect to the independent claim the system – see abstract permits a user to influence the ability of associating a plurality of files in “groups”. This is done by having the recited “group management data”.

As analyzed above, Morohashi permits the ability of transferring already recorded files to another element by appropriate input through a keys – see the discussion with respect to figure 2 as well as col. 8 starting at line 5. Furthermore, see the discussion with respect to 7, which permits the user to select/update/user input, which pieces of music/files are to be transferred. This is interpreted to met the above inputting operation as now recited in the claim.

Furthermore, as now recited, the detection device permits the giving of grouping instruction(s) at the time of inputting operation(s) accordance with a user's instruction. This is considered inherently present, i.e., as the user selects the files to be transferred at the user's input the selected files are appropriately reconfigured into associated “groups”, - i.e., new files.

Alternatively, if applicants' can convince the examiner that such is not present, then under 103 considerations, the examiner further relies upon either Hitotsui or Itoi for teaching the additional ability of

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re-recording appropriate management information (group designation) as a result of a user's instruction in order to either merge or update the information so selected into appropriately designated groups.

See the abstract in Hitotsui and the discussion of figure 6a starting at col. 15 line 40.

While in Itoi see the discussion with respect to merge information mode – GMM starting at col. 4 line 52

It would have been obvious to modify the base system with the additional teaching from either Hitotsui or Itoi motivation is to permit a user to update/merge/reallocate files into different – new groups as desired.

With respect to dependent claim 21 and 22, these claims call for a register, which registers which tracks belong to the same group. Applicants' attention is drawn to figures 6a-c and the associated disclosure with respect to managing pieces of music data – inherently there is a register in the overall system – CPU (microprocessor/controller) that permits the association of that/those information tracks belong to what group. This is commonly preformed by the pointer ability in this environment.

The examiner concludes that under 102 considerations, such register(s)/apparatus is inherently present in the Morohashi document, and inherently track association – which tracks belong to which group is present.

If applicants' could convince the examiner that such is not present then the examiner would rely upon Heo et al for teaching start and ending (pointing) address ability with respect to his audio stream attribute table information –

It would have been obvious to modify the base system of Morohashi with the above teaching from Heo et al; motivation is to permit multi-tracks to be associated with particular groups.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamai et al further considered with either Hitotsui or Itoi.

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The following analysis is made:

Claim 1

An information recording apparatus

an information attaching and generating device, which
attaches track number information to each track recorded
in an information recording medium and generates group
control information to control one or a plurality of
tracks as one group;

an inputting operation device for performing an inputting
operation in accordance with a user's instruction; and

a detection device for giving a grouping instruction
to said information attaching and generating device
at the time when the inputting operation relating to
track recording is detected during recording of
information.

wherein ...

Hamai et al

title/abstract

applicant's attention is drawn
ability in the system so as to
have track group information,
figure 24. As further identified
with this ability a number of.

sees either the move ability
of Hitotsui or the merge ability
in Itoi.

data tracks are formed with respect to
each data track group.
and appropriate control/group
information is generated.

The playback system of Hamai et al

is in accordance with the detected
condition/ see for instance col 36,
lines 44 till col. 38 line 51.

The examiner interprets the track numbering to be inherently present since this is a tape
System, and identification of which track is where is commonly provided in order to retrieve the
information recoded accordingly.

Either Hitotsui or Itoi for teaching the additional ability of re-recording appropriate management
information (group designation) as a result of a user's instruction in order to either a move or merge of the
information so selected into appropriately designated groups.

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See the abstract in Hitotsui and the discussion of figure 6a starting at col. 15 line 40.

While in Itoi see the discussion with respect to merge information mode – GMM starting at col. 4 line 52

It would have been obvious to modify the base system with the additional teaching from either Hitotsui or Itoi motivation is to permit a user to update/merge/reallocate files into different – new groups as desired.

With respect to the limitations of claim 2, end of track identification is disclosed with respect to end of mark for instance.

With respect to claim 3, since this is a tape, and such is a sequential system, the tack numbering inherently met this limitation.

Response to Arguments

Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1-3 as stated in paragraph 2 above, and further in view of Yokota et al.

There is no clear depiction of the pause ability in the above base references..

Yokota et al teaches in this environment the ability to pause the system and provide management information indicative thereof.

It would have been obvious to modify the base system of Heo et al with the above pause ability indication so as to permit a user to discriminate between "paused" conditions and hence increase the flexibility of Heo et al by letting the system provide appropriate indication thereof. The use of "pause" ability especially in DVD systems is considered motivation, i.e., permitting systems to keep track and indicate pauses.

4. Claims 8-16, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 2 above, and further in view of Heo et al.

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Heo et al is a DVD audio disc recording system, which permits the user to associate information into groups as the user designs/selects. – see the abstract. See the discussion with respect to audio packets having the appropriate quantization, sampling, title management table, etc..

The claims are further analyzed below:

With respect to claim 8, the examiner interprets this as the different format ability in Heo et al.

With respect to claim 9, this is inherent otherwise any change in-group information would be lost.

With respect to claim 10, again numbering continuously increases.

With respect to claim 11, operating state is interpreted as a different sampling/quantization level.

With respect to claim 12, subsequent group indication/data is not the same as that previously recorded.

With respect to claim 13, again, track numbering continuously increases.

With respect to claim 14, recording mode – see discussion with respect to MPEG2, or alternatively, stereo and mono modes.

With respect to claim 15, yes otherwise distinction between groups would not be detectable.

With respect to claim 16, continuously increasing of track numbering.

With respect to claims 21-22, registers are considered inherently present in the Heo et al system, which are used to discriminate the associated table information.

It would have been obvious to modify the base system of Hamai et al with the additional teaches as identified above with respect to Heo et al, motivation is to include the additional aux information for identification purposes as well as expanding the robustness of the overall system so as to provide for the additional features.

5. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 2 above, and further in view of Hartung et al.

Hartung et al disclose a multipurpose digital recording system wherein a plethora of encoding techniques for identification purposes so as to expand the flexibility of the information recorded (and hence reproduced) are presented.

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With respect to claim 17, applicants' attention is drawn to table 16, which indicates that identification of the information source is provided.

With respect to claim 18 the ability of interleaving different tracks subsequently (after group instruction) from the track already recorded is readily depicted by table 6 which teaches that the group attribute has discontinuities enabling previous information in a compressed format, while the next information (dat entry) is not. The examiner interprets such as meeting this claimed limitation. Alternatively, applicants' attention is drawn to table 13, which depicts the identification of various types of information per field/group, which also teaches the ability of having different tracks follow each other.

With respect to claim 19, since Hartung et al is a tape device, inherently the tracks continuously increase as one progress along the length of the medium – hence the sequential recording format well recognized for tapes.

With respect to claim 20, the ability of discriminating the track number information prior to a grouping instruction and subsequent thereto is inherently provided in Hartung et al, else there would be no recognition of what track is where.

It would have been obvious to modify the base system of Hamai et al with the above additional teachings from Hartung et al, motivation is to permit a user identifying various signal sources – see table 24 in Hartung et al for inventory purposes. The remaining teachings with respect to claims 18-20 follow so as to provide the appropriate identification/expansion of the recording parameters found in Hamai et al.

This will permit a user to have greater flexibility and user friendliness for the overall tape system.

6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1-3 as stated in paragraph 2 above, and further in view of well known word processing nomenclature and the Dewey-Decimal system.

With respect to claim 23, the examiner interprets such to mean an indication of various versions of a recording. This ability to indicate versions is well known in the word processing arts, i.e., version 1, version 2, etc. Hence, the examiner concludes that one of ordinary skill in the art to use such well-known nomenclature to permit various version identification, motivation is to permit historical recording of tracks to be noted.

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With respect to claim 24, the ability of having a numbering scheme using "sub-number" is considered well established – as taught by the Dewey-decimal system.

It would have been obvious to modify the base system to Hamai et al in order to permit a finer division of the tracks.

Conclusion

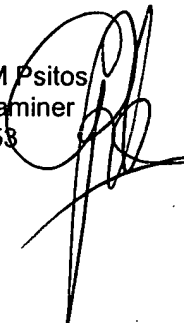
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeda et al – col 17 lines 24 plus and figure 9 with respect to the group code ability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



Amp